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Attorneys for Defendants
THE BANK OF NEW YORK MELLON and
BANK OF NEW YORK MELLON TRUST
COMPANY, N.A.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re BANK OF NEW YORK MELLON
CORPORATION FALSE CLAIMS ACT
FOREIGN EXCHANGE LITIGATION, ex rel.
FX ANALYTICS,

Plaintiff,

v.

THE BANK OF NEW YORK MELLON
CORPORATION, THE BANK OF NEW YORK
MELLON TRUST COMPANY, N.A., and DOES
1 through 100, inclusive,

Defendants.

No. 3:11-cv-05683-WHA

**STIPULATION AND ~~PROPOSED~~
ORDER FOR RELIEF FROM
CASE MANAGEMENT
SCHEDULE**

Judge: Hon. William H. Alsup

1 WHEREAS, Defendants removed this action to federal court on November 28, 2011
2 (Dkt. No. 1);

3 WHEREAS, this action was reassigned to Hon. William Alsup on December 20, 2011,
4 vacating the previously-established Case Management schedule (Dkt. No. 17);

5 WHEREAS, on December 27, 2011, Plaintiffs filed a third-amended complaint in this
6 action (Dkt. No. 18);

7 WHEREAS, on December 13, 2011 Defendants filed a motion with the Judicial Panel on
8 Multidistrict Litigation ("JPML") seeking to consolidate this case with other cases, and seeking
9 to transfer this and other cases to the United States District Court for the Southern District of
10 New York;

11 WHEREAS, on February 13, 2012 the JPML issued an order scheduling Defendants'
12 motion for consolidation and transfer to be heard on March 29, 2012 in San Diego, California;

13 WHEREAS, on March 6, 2012, the Clerk of this Court noticed the Case Management
14 Conference On Reassignment for March 29, 2012 and directed the parties to submit a joint case
15 management conference statement seven days prior, but noted that all other deadlines in the
16 November 28, 2011 ADR scheduling order remain in effect (Dkt. No. 56);

17 WHEREAS, counsel for the parties to this action will be in San Diego before the JPML
18 for oral argument of the Defendants' motion for consolidation and transfer on March 29, 2012;

19 WHEREAS, certain of the attorneys representing Plaintiff and Defendants practice in
20 Washington, District of Columbia, and can best represent their client by appearing in person for
21 both events; and

22 WHEREAS, the next Thursday on which all parties are available is April 12, 2012;

23 IT IS HEREBY STIPULATED, pursuant to Civil Local Rule 16-2, that the parties to the
24 above-referenced action agree and respectfully request that this Court order that the date of the
25 Initial Case Management Conference be postponed until April 12, 2012 at 11:00 am.

26 The proposed revised case management schedule is as follows:
27
28

Date	Event	Governing Rule
11/28/2011	Notice of Removal filed	
4/5/2012	Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement per attached Standing Order re Contents of Joint Case Management Statement	F. R. Civ. P. 26(a)(1) Civil L.R. . 16-9
4/12/2012	Initial Case Management Conference (CMC) in Courtroom 8, San Francisco at 11:00 am	Civil _L.R. 16-10

This relief would not require any other changes in the ADR process or schedule in the case.

Dated: March 6, 2012 BINGHAM MCCUTCHEN, LLP

By: /s/ David M. Balabanian

David M. Balabanian
Attorneys for All Defendants

Dated: March 6, 2012 COTCHETT, PITRE & MCCARTHY, LLP

By: /s/ Steven N. Williams

Steven N. Williams
Attorneys for Intervenors

Dated: March 6, 2012 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP.

By: /s/ Lexi J. Hazam

Lexi J. Hazam
Attorneys for Relator

Attestation: The filer of this document attests that the concurrence of the other signatories thereto has been obtained.

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: March 8, 2012

Hon. William H. Alsup
United States District Court

